

# RCE  
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RCE  
\$78  
9/20/02

PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

|                        |                   |
|------------------------|-------------------|
| Application Number     | 08/894,211        |
| Filing Date            | July 30, 1997     |
| First Named Inventor   | HAMMER, Mordechai |
| Group Art Unit         | 3626              |
| Examiner Name          | A. Knight         |
| Attorney Docket Number | 0878              |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

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## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on July 18, 2001  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☒ Consider the arguments in the Appeal Brief or Reply Brief previously filed on February 15, 2002
- iii. ☒ Other Oct. 14, 2001 letter w/proposed amendment (attached)
- b. ☒ Enclosed
- i. ☒ Amendment/Reply— Preliminary amendment adding new claim 50 (independent) requires no new filing fee since less than 3
- ii. ☐ Affidavit(s)/Declaration(s) claims (independent) pending & post-final
- iii. ☐ Information Disclosure Statement (IDS) amendment cancelled one dependent claim.
- iv. ☒ Other Petition / Change of

## 2. Miscellaneous address for correspondence

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☒ Other THIS RCE IS IN RESPONSE TO OFFICE ACTION OF MARCH 15, 2002 SETTING ONE-MONTH FOR REPLY

## 3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) \$370.00 (Atty, verifies small entity)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) \$720.00 (4 months up to and incl.
- iii. ☒ Other Petition fee 1.17(h) \$ 130.00 Aug. 15, 2002
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed) Total \$370 + 720 + 130 = \$1220.00

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                   |               |                                   |                 |
|-------------------|---------------|-----------------------------------|-----------------|
| Name (Print/Type) | Edward Langer | Registration No. (Attorney/Agent) | 30,564          |
| Signature         |               | Date                              | August 11, 2002 |

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

|                   |  |      |  |
|-------------------|--|------|--|
| Name (Print/Type) |  | Date |  |
| Signature         |  |      |  |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

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RCE/3606  
#

שבילת, ישראלי, רוברטס, זיסמן ושות'  
SHIBOLETH, YISRAELI, ROBERTS, ZISMAN & Co.

ADVOCATES, PATENT ATTORNEYS & NOTARY

LIOR AVIRAM  
SAVYON I AMIT  
GIL ARIE  
HELENA BEILIN  
RON BEN-MENACHEM  
DAVID BERNHEIM  
RUTH DAGAN  
JONATHAN FEIGIN  
AMIR FISHER  
ALMOG GEVA  
DOV GOVRIN  
MICHAEL GOTTESMAN-BARAK  
OREN HEIMAN  
MIRIAM HELLER LIDJI  
ROTEM HARARI  
HILLEL ISH-SHALOM  
DR. YUVAL KARNIEL  
BOAZ LAHOVITSKY



TEL AVIV ADDRESS

44-46 MONTEFIORE ST., TEL AVIV 65201, ISRAEL TEL: 972-3-7103311, FAX: 972-3-7103322  
e-mail: manager@shibolet.com WEBSITE: www.shibolet.com

RAANANA ADDRESS

312 GIRON CENTER, P.O.B. 410 RAANANA 43103, ISRAEL TEL: 972-9-7713585, FAX: 972-9-7713593

NEW YORK ADDRESS

EMPIRE STATE BUILDING 350 FIFTH AVENUE, 60th FLOOR  
NEW YORK, N.Y. 10118. TEL: (212) 244-4111, FAX: (212) 563-7108

INTELLECTUAL PROPERTY DEPARTMENT

EDWARD LANGER B.S.E.E., M.B.A., J.D. - ADV. & PAT. ATTY. (Israel Bar), REG. US PAT. ATTY. (Pennsylvania Bar)  
e-mail: e.langer@shibolet.com

EDWARD LANGER  
OFER MANOR  
GADI OUZAN  
SHLOMIT OPHIR-HAREL  
LIMOR PELED  
DIKLA PIUDIK  
AVIGDOR RABINOVICH  
DANA RAUCHER  
IDIT REITER  
RICHARD M. ROBERTS  
HAGIT SAMUEL  
OFER SHAPIRA  
AMNON SHIBOLETH  
ORIT STERNHELL-ZALTZMAN  
HAGAI TIOMKIN  
YAACOV YISRAELI  
TALYA YISRAELI  
ITZHAK ZISMAN

11 August 2002  
wp/miscell/0878rec.fil

The Commissioner of Patents and Trademarks  
Washington D.C. 20231  
U. S. A.


Re: U.S. Patent Appln. Serial No: 08/894,211  
"EXTENSIBLE AND RETRACTABLE ELEMENTS AND VARIOUS USES FOR THE  
ELEMENTS"  
Our File: 0878

Dear Sir,

Enclosed please find the following documents:

1. Request for Continued Examination (RCE) Transmittal.
2. Preliminary Amendment to RCE.
3. Petition for Extension under 37 CFR 1.136(a).
4. Petition to the Commissioner under 37CFR 1.81 or alternatively, 1.182 or 1.183.
5. Change of Correspondence Address.
6. Credit Card Payment Form in the amount of \$1220.00 to cover the RCE, Petition for Extension and Petition to the Commissioner.

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GROUP 3600

Respectfully Submitted,  
  
Edward Langer, Pat. Atty.  
Attorney for the Applicant  
Reg. No. 30, 564

c/o Shibolet, Yisraeli, Roberts, Zisman & Co.  
Empire State Bldg., 60th Floor  
350 Fifth Ave.  
New York, NY 10118  
(212) 244-4111

Encl.

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EDWARD LANGER, B.S.E.E., M.B.A., J.D.

ADVOCATE & PATENT ATTORNEY

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14.10.01

312 GIRON CENTER, P.O.B. 410 RAANANA 43103 ISRAEL  
TEL: 972-9-7713585 FAX: 972-9-7713593 E-MAIL: edlanger@netvision.net.il

Mr. Anthony Knight, Supervisory Patent Examiner  
US Patent Office, Washington, D.C. 20231

October 14, 2001  
BY FAX (703) 305-7687

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AUG 16 2002

GROUP 3600

**URGENT**

Re: US Pat. Appln. S/N 08/894,211 (PCT National Stage, filed July 30, 1997)  
"EXTENDIBLE AND RETRACTABLE ELEMENTS AND VARIOUS USES FOR THE ELEMENTS"  
Our File: 0878

Dear Mr. Knight,

I would like to summarize the discussions we have had recently by telephone after our August 22, 2001 meeting. Although at the end of the meeting it had been agreed that a modified preamble would enable claim 1 to be allowable, there remains a misunderstanding of the type of language needed for this. I had hoped to meet with you again on this matter on Oct. 16/17 but you indicated in our phone discussion of October 10, 2001 that this would not be useful.

The Examiner expressed the following points in our phone discussion of October 10, 2001:

1. The "field-of-use" limitations acceptable to the Examiner in the preamble are to be written as a closed list, limited to the fields covered in the previously indicated allowable claims, only for these embodiments.
2. The Examiner does not feel the invention is patentable outside of these areas.
3. Language preserving a broad interpretation of the list of fields, leaving room for others, will not be acceptable.
4. The Examiner is concerned that he is unable to search all of fields in which the invention is applicable, and therefore he is unable to properly search the prior art. By way of example, the Examiner indicated that if the invention had a "billion" applications, how would he search them?

The Applicant wishes to summarize his position as follows:

1. The Applicant earnestly believes that the invention is applicable to many fields, not a closed list.
2. The Examiner has not found any prior art substantially similar to the invention as defined by claim 1.
3. As the Examiner can verify, the Applicant has been granted 3 similar US Patents on extendible-retractable devices: 5,322,334, 5,324,086 (currently in reissue proceedings), and 5,881,601 (after successful appeal), none of which were limited by field-of-use restrictions. There is no requirement in the patent law for field-of-use restrictions.
4. The searching task of the Examiner appears to have become the focus, not the merits of the invention itself.

It is very unfortunate that the current prosecution has not been completed to date, and the Applicant is therefore delayed in producing his invention in products which include solutions for personal security, which is an important topic, especially today, with applications even in security devices against skyjacking incidents.

The Applicant and the undersigned do not understand the Examiner's position, blocking the path to issuance. Specifically, as was stated earlier at an earlier stage, the initial Final Rejection was premature, and placed the Applicant at a disadvantage, due to problems with the entry of the PCT Sec. 34 amendments. Although the finality of the rejection was later withdrawn, again Applicant is faced with a Final Rejection. The Examiner has conceded that some of the cited prior art is no longer appropriate, and these citations were withdrawn. The Applicant has faced three examinations: a PCT IPER, Ex. Ackerman's comments, and the current exam. There has never been a consistent examination procedure enabling an in-depth analysis of the issues.

For example, the Applicant finds it strange and not realistic that the Examiner rejects, for example, claim 47 to the field of toys by adopting the position that "A toy is anything that can be used for amusement". With this reasoning, anything is a toy, depending on the user's intention. Intent has never been a structural limitation.

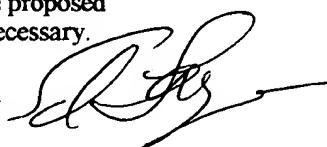
The Applicant's position can be stated simply: The invention is widely applicable to many fields, and deals with a motion transmission and multiplication system, for use with devices or systems requiring extension and retraction. The inventive motion transmission system has elements which move simultaneously, with controllably reversible motion, in a hand-movable system, operable from either end of the construction, without a requirement for a base to support the elements. The motion of the linking means is adjustably multipliable, with the linking means adjustably arranged on the elements. No field-of-use restrictions are required for patentability over the prior art.

A proposed claim with markings to show changes is attached to this letter, with a preamble that leaves open the possibility of adapting the invention to many fields. It is hoped that this format is acceptable to the Examiner.

It is respectfully requested that the Applicant's attorney be given a chance to review once again the proposed claim language with the Examiner. Otherwise, the appeal process and a thorough review will be necessary. Thank you for your consideration.

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It is proposed to amend Claim 1 as follows:

1. (Four times amended) A motion transmission and multiplication system for use with systems, devices or structures that require movement of segments, to enable extendable and retractable motion, such as cleaning systems, measuring systems, hand-movable tools, music instruments and accessories, electrical and telecommunication devices, transportation and delivery systems, shades, sailing boats, chairs, tripods, tables and tents, said motion transmission and multiplication system comprising:

at least first and second [hand-holdable] elements each having anterior and posterior ends, said elements extending in the same orientation, each element having at least one point thereon connectable to a tool or other object; and

at least a first means linking said first and second elements and being movable with respect to at least one of them, said first linking means also being connectable to an additional element;

said first linking means being arranged on said elements such that when said first linking means is [provided] moved with a controllably reversible driving motion with respect to either of said anterior and posterior ends of a selected reference one of ther of said first and second elements, wherein said driving motion is in a direction [in line] in-line with said orientation,

then said first and second elements, and if connected, said additional element are simultaneously provided with a controllably reversible and multipliable, non-gravity dependent, linear-to-linear driven motion with respect to each other [in line] in-line with said orientation,

said driven motion being in the same direction as said driving motion, or reverse thereto, in accordance with which reference one of said first and second elements was selected in respect of said driving motion.

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#31 Andlt.)  
JFY  
9/20/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HAMMER, Mordechai

Serial No. : 08/894,211

Filed : July 30, 1997

For : EXTENSIBLE AND RETRACTABLE  
ELEMENTS AND VARIOUS USES FOR THE  
ELEMENTS

Group Art Unit 3626  
Examiner: unknown

Raanana, Israel  
August 11, 2002

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

PRELIMINARY AMENDMENT TO (RCE) REQUEST FOR CONTINUED  
EXAMINATION

Prior to commencement of the examination, kindly  
amend the above-identified application as follows:

In the claims:

Kindly add new claim 50 as follows:

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D/ 50. A motion transmission and multiplication system for use  
with systems, devices or structures that require movement of  
segments, to enable extendable and retractable motion, such as  
cleaning systems, measuring systems, hand-movable tools, music  
instruments and accessories, electrical and telecommunication  
devices, transportation and delivery systems, shades, sailing  
boats, chairs, tripods, tables and tents, said motion  
transmission and multiplication system comprising: